United Nations A/C.6/57/L.18

General Assembly

Distr.: Limited
17 October 2002

Original: English

Fifty-seventh session
Sixth Committee
Agenda item 153
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Argentina, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Burkina Faso, Chile, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Fiji, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Luxembourg, Madagascar, Malta, Marshall Islands, Netherlands, Nigeria, Norway, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the reports of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Dismayed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

[1] A/INF/56/6 and Add.1 and A/57/99 and Corr.1 and Add.1 and 2.

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Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the functions of diplomatic and consular missions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. *Takes note* of the reports of the Secretary-General;[1]

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Urges* States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

5. *Recommends* that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

6. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

8. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. *Calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means available for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. *Requests*:

(a) All States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular missions and representatives, as well as missions and representatives with diplomatic status to international intergovernmental organizations;

(b) The State in which the violation took place — and, to the extent possible, the State where the alleged offender is present — to report to the Secretary-General as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;

(c) The States so reporting to consider using or taking into account the guidelines[2] prepared by the Secretary-General embodying the relevant positions that States may wish to consider when reporting;

11. *Requests* the Secretary-General:

(a) To send, without delay, a circular note to all States reminding them of the request contained in paragraph 10 above;

(b) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 10 above, unless the reporting State requests otherwise;

(c) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 10 above, when a serious violation has been reported pursuant to subparagraph 10 (a) above;

(d) To address reminders to States where such violations have occurred if reports pursuant to subparagraph 10 (a) above or follow-up reports pursuant to subparagraph 10 (b) above have not been made within a reasonable period of time;

12. *Also requests* the Secretary-General to invite States, in the circular note referred to in subparagraph 11 (a) above, to inform him of their views with respect to any measures needed or already undertaken to enhance the protection, security and safety of diplomatic and consular missions and representatives, as well as

[2] A/42/485, annex.

missions and representatives with diplomatic status to international intergovernmental organizations;

13. *Further requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report containing:

(a) Information on the state of ratification of, and accessions to, the instruments referred to in paragraph 8 above;

(b) A summary of the reports received and views expressed pursuant to paragraphs 10 and 12 above;

14. *Invites* the Secretary-General to include in his report to the General Assembly any views he may wish to express on the matters referred to in paragraph 13 above;

15. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

United Nations A/C.6/57/L.19

General Assembly

Distr.: Limited
28 October 2002

Original: English

Fifty-seventh session
Sixth Committee
Agenda item 159
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Egypt: draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 47* (A/56/47).

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Considering the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its increased workload,

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[2]

Recalling its resolution 56/86 of 12 December 2001,

Having considered the report of the Special Committee on the work of its session held in 2002,[3]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes, which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[3]

2. *Decides* that the Special Committee shall hold its next session from 7 to 17 April 2003;

3. *Requests* the Special Committee, at its session in 2003, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2003;

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter by commencing a substantive debate on all of the related reports of the Secretary-General[4] and the proposals submitted on the question;

(c) To keep in its agenda the question of the peaceful settlement of disputes between States;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with General Assembly resolution 50/55 of 11 December 1995,[5] the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform"[6] and the views expressed by States on this subject at previous sessions of the Assembly;

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[2] A/57/370.

[3] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 33* (A/57/33).

[4] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303 and A/57/165 and Add.1.

[5] A/50/1011.

[6] A/51/950 and Add.1-7.

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Takes note* of paragraph 57 of the report of the Secretary-General,[2] commends the Secretary-General for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorses the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*;

5. *Invites* the Special Committee at its session in 2003 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee, in the context of its consideration of the subject of assistance to working groups on the revitalization of the work of the United Nations and coordination between the Special Committee and other working groups dealing with the reform of the Organization, to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its fifty-eighth session;

8. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

United Nations A/C.6/57/L.20

General Assembly

Distr.: Limited
29 October 2002

Original: English

Fifty-seventh session
Agenda item 161
Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Czech Republic, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Nauru, New Zealand, Norway, Portugal, Romania, Samoa, Sierra Leone, Slovakia, Spain, Sweden, Switzerland, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

The General Assembly,

Recalling its resolution 56/89 of 12 December 2001 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,

Recalling also its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel,

Recalling further the letter dated 24 October 2000 addressed to the President of the Security Council on behalf of the global staff of the United Nations system,[1] drawing attention to the safety and security problems faced by United Nations and associated personnel,

Recalling the report of the Secretary-General on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel[2] and the recommendations contained therein,

Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law, as well as relevant provisions of human rights and refugee law,

[1] S/2000/1133, annex.
[2] A/55/637.

02-66586 (E) 291002

Reaffirming also the obligation of all humanitarian personnel and United Nations and associated personnel to respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations,

Deeply concerned by the increasing dangers and security risks faced by United Nations and associated personnel at the field level, and mindful of the need to provide the fullest possible protection for their security,

Expressing concern that locally recruited personnel are particularly vulnerable to attacks directed at the United Nations,

Welcoming the recent increase in the number of States that have become parties to the Convention, which entered into force on 15 January 1999, and noting that the Convention has been ratified or acceded to by 63 States as at the date of the present resolution,

Mindful of the need to promote the universality of the Convention,

Having considered the report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel,[3] established by the General Assembly under its resolution 56/89, and taking account of the discussions in the Sixth Committee,

1. *Expresses its appreciation* for the work done by the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel;

2. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;

3. *Recommends* that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention, among others, those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

4. *Recommends also* that, consistent with his existing authority, the Secretary-General advise the Security Council or the General Assembly, as appropriate, where in his assessment circumstances would support a declaration of exceptional risk for the purposes of article 1(c)(ii) of the Convention;

5. *Confirms* that, consistent with his existing authority, the Secretary-General, who has knowledge of the facts and easy access to the information, may provide information on the request of a State on matters of fact relevant to the application of the Convention, such as the fact and content of any declaration of exceptional risk by the Security Council or the General Assembly or any agreement concluded between the United Nations and a humanitarian non-governmental organization or agency;

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[3] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 52* (A/57/52).

6. *Requests* the Secretary-General to prepare model or standardized provisions for incorporation into the agreements concluded between the United Nations and humanitarian non-governmental organizations or agencies, and if possible to report on progress on this issue before the next meeting of the Ad Hoc Committee, and to make available to Member States the names of organizations or agencies that have concluded such agreements, for the purposes of clarifying the application of the Convention to persons deployed by those organizations or agencies;

7. *Encourages* the Secretary-General and other relevant bodies to continue to take such other practical measures as are within their authority and existing institutional mandates to strengthen the protection for United Nations and associated personnel, including locally recruited personnel, who are particularly vulnerable and account for the majority of casualties of United Nations or associated personnel;

8. *Decides* that the Ad Hoc Committee established under resolution 56/89 shall reconvene for one week from x to x 2003, and shall continue the discussion on measures to enhance the existing protective legal regime for United Nations and associated personnel, including addressing the application of the Convention to all United Nations operations, taking into account the report of the Secretary-General[3] and the discussions in the Ad Hoc Committee;

9. *Requests* the Ad Hoc Committee to submit a report on its work to the General Assembly at the fifty-eighth session;

10. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the measures taken to implement the present resolution;

11. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel".

United Nations A/C.6/57/L.21

General Assembly

Distr.: Limited
30 October 2002

Original: English

Fifty-seventh session
Sixth Committee
Agenda item 154
Convention on jurisdictional immunities of States and their property

Draft resolution

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolutions 46/55 of 9 December 1991, 49/61 of 9 December 1994, 52/151 of 15 December 1997, 53/98 of 8 December 1998, 54/101 of 9 December 1999, 55/150 of 12 December 2000 and 56/78 of 12 December 2001,

Having considered the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property,[1] established under resolution 55/150,

Noting that only a few issues remain outstanding,

Stressing the importance of uniformity and clarity in the law applicable to jurisdictional immunities of States and their property,

1. *Takes note with appreciation* of the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property;[1]

2. *Decides* that the Ad Hoc Committee shall be reconvened from 24 to 28 February 2003 in order to make a final attempt at consolidating areas of agreement and resolving outstanding issues, with a view to elaborating a generally acceptable instrument based on the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session,[2] and also on the discussions of the open-ended working group of the Sixth Committee and the Ad Hoc Committee and their results,[3] as well as to recommend its form;

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[1] *Official Records of the General Assembly, Fifty-seventh session, Supplement No. 22* (A/57/22).

[2] *Yearbook of the International Law Commission, 1991*, vol. II, Part Two (United Nations publication, Sales No. E.93.V.9 (Part 2)), document A/46/10, chap. II, para. 28.

[3] See A/C.6/54/L.12 and A/C.6/55/L.12; see also *Official Records of the General Assembly, Fifty-fourth session, Sixth Committee*, 30th meeting (A/C.6/54/SR.30), and corrigendum; ibid., *Fifty-fifth session, Sixth Committee*, 30th and 31st meetings (A/C.6/55/SR.30 and 31), and corrigendum; and ibid., *Fifty-seventh session, Supplement No. 22* (A/57/22). See also ibid., *Sixth Committee*, 18th and 19th meetings (A/C.6/57/SR.18 and 19).

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3. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-eighth session on the outcome of its work;

4. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Convention on jurisdictional immunities of States and their property".